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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,659	12/21/2001	Leif O. Erickson	57347US002	2702

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EXAMINER	
OSELE, MARK A	

ART UNIT	PAPER NUMBER
1734	

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/028,659	ERICKSON, LEIF O.	
	Examiner	Art Unit	
	Mark A Osele	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15,19 and 20* is/are rejected.

7)☒ Claim(s) *16-18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *02062004*.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6, 9-13, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dylla et al. '656 in view of Dylla (5,330,125). Dylla et al. '656 shows a method and apparatus for applying a splicing tape to a roll of sheet material comprising: lifting a portion of an outermost layer from a remainder of the roll (column 2, lines 21-24); cutting the leading edge (column 2, lines 24-28); applying splicing tape to a wound portion of the roll (column 2, lines 35-41, 43-48); and applying pressure with a roller to the lifted portion to progressively place the lifted portion of the outermost layer into contact with the splicing tape (column 7, lines 6-13). Dylla et al. '656 fails to show the end lifted against the force of gravity away from the remainder of the roll.

Dylla '125 teaches that a vacuum sheet engaging mechanism, 9, used to lift an outermost layer of the roll can have the dual function of tearing the outermost layer at the perforation and lifting the leading flap (column 1, line 60 to column 2, line 8). Dylla '125 further teaches that this system does not result in any scrap being created and therefore the system does not need handling and disposal means for the scrap (column 2, lines 21-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sheet engaging mechanism of Dylla '125 to tear and lift the outermost layer of web on the roll and bring it to the adhesive applying plate of

Dylla et al. '656 because Dylla '125 teaches that this system requires fewer devices than systems including cutting and scrap removal.

Regarding claim 12, Dylla '125 teaches that a perforator cuts across the outermost web to create the line of perforation (column 2, lines 62-68).

3. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dylla et al. '656 in view of Dylla '125 as applied to claims 1 and 9 above and further in view of Wienberg et al. (5,916,651). As shown in paragraphs 3 above, the references ac combined show a method and apparatus for applying a splicing tape to a roll of sheet material but fail to show the particular location for the splicing tape on the roll.

Wienberg et al. shows the use of a splicing tape having a first section and a second section wherein the outermost layer covers the first section of the splicing tape and the second section remains exposed adjacent the outermost layer (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the dual section splicing tape of Wienberg et al. in the method of the references as combined because Wienberg et al. shows that a single tape can be used to both hold down the leading edge of the outermost layer and bond the roll to a new roll in the splicing operation, thereby eliminating two tapes for those separate purposes.

4. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dylla et al. '656 in view of Dylla '125 as applied to claims 1 and 9 above and further in view of McCormick et al. (5,524,844). As shown in paragraph 2 above, the references

as combined show a method and apparatus for applying a splicing tape to a roll of sheet material but fail to show a hold down roller.

McCormick et al. shows that a hold down roller on the outermost layer is part of the system that reduces wrinkling (column 3, lines 36-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the hold down roller of McCormick et al. into the apparatus of the references as combined to ensure that the web roll is free of wrinkles.

Allowable Subject Matter

5. Claim 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed February 6, 2004 have been fully considered but they are not persuasive. Applicant's arguments can be categorized as one of ordinary skill in the art would not modify Dylla et al. '656 to incorporate the lifting mechanism of Dylla '125. Applicant points out that Dylla et al. '656 is silent as to how the web is unwound from the roll for cutting and adhesive application but disputes that one of ordinary skill in the art would have looked to the mechanism of Dylla '125. Applicant's attention is directed to previously cited reference to Dylla et al. '230. Dylla et al. '230 mirrors Dylla et al. '656 in showing a method and apparatus for applying a splicing tape to a roll of

sheet material comprising: lifting a portion of an outermost layer from a remainder of the roll; cutting the leading edge; applying splicing tape to a wound portion of the roll; and applying pressure with a roller to the lifted portion to progressively place the lifted portion of the outermost layer into contact with the splicing tape. Dylla et al. '230, which has two inventors in common with Dylla et al. '656, further teaches that the method for unwinding the web from the roll can be found in the Dylla '125 reference (column 3, lines 28-34). This teaching is evidence that the web lifting mechanism of Dylla '125 is appropriate for unwinding the web of Dylla et al. '656 because the similar invention of Dylla et al. '230 directs one of ordinary skill in the art toward that mechanism.

In addition, the examiner has reviewed the copies of the IDS sent in by applicant. No documentation can be found that five of the six pages had been previously submitted. The examiner reviewed the U.S. references, but not the foreign references as no copies of the references have been submitted. In order for the foreign references to be considered, the applicant must show evidence that the copies of the IDS have been previously submitted and provide copies of the foreign references. Alternately, the applicant can provide copies of the foreign references and the appropriate fee for consideration after final rejection. The sixth page of the IDS has been previously considered and admitted into the file. A copy of that page has been faxed to applicant's representative.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Osele whose telephone number is 571-272-1235. The examiner can normally be reached on Mon-Fri 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARK A. OSELE
PRIMARY EXAMINER

April 9, 2004